



W.A.No.3527 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 29.11.2024

Pronounced on : 11.12.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE G. ARUL MURUGAN

W.A.No.3527 of 2024

V.Muthupandi

.. Appellant

VS

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Chennai – 600 003.

.. Respondent

Prayer : Writ Appeal filed under Clause 15 of Letters Patent against order dated 19.11.2024 made in W.P.No.31222 of 2024.

For Appellant : Mr.S.Udhaya Kumar

For Respondents : Mr.R.Bharanidharan
Standing Counsel



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JUDGMENT

Dr. ANITA SUMANTH.,J

The Writ Petitioner/appellant (hereinafter referred to as 'Writ Petitioner'/'appellant') states that the writ petition has been filed in public interest as he is an aspirant for the post of Assistant Public Prosecutor Grade II (APP Grade II), and had responded to a Notification issued by the Tamil Nadu Public Service Commission/TNPSC/Commission/respondent on 13.09.2024. That Notification, bearing No.13/2024 (hereinafter referred to as 'subject Notification') calls for applications for direct recruitment for combined Civil Services examination for Group II and IIA services.

2. The subject Notification stipulated the eligibility criteria and required applications to be submitted prior to 11:59 pm of 12.10.2024. Admittedly, the Writ Petitioner has registered for the examination and has applied in time. The mode of selection/scheme of examination comprises of a preliminary examination of a single paper and main examination which would comprise a written examination and interview. The Writ



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Petitioner has, admittedly, appeared for the examination on 14.09.2024 and is awaiting the results of the same.

3. Before the Writ Court, it was his submission that uniformity should be maintained among all categories of posts in the combined services examination. There had been a change to the Scheme of Examination in the subject Notification when compared to the Notification issued for earlier years, and since the preliminary examination for other services had not been amended, there was no necessity to amend the composition of the paper relating to APP alone.

4. To this end, Mr.S.Udhayakumar, learned counsel for the appellant argued and reiterated before us that the post of APP is also a technical post and hence the paper for the preliminary examination must be similar to, and along the lines of the paper for other technical posts. The format of the examination till the year 2023-24 had not contained any questions on general studies. It was restricted to questions on law, aptitude and mental ability only. There was hence no justification for a change as these subjects would suffice to test a candidate for the APP examination.



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5. Hence, the Writ Petitioner had approached the Writ Court seeking a Writ of Certiorari calling for and quashing the subject Notification, particularly Condition No.6.1 thereof including 75 questions in general studies.

6. In the counter filed, the Commission had defended the amendment pointing out that the candidates who aspired for the post of APP are to possess general knowledge in State affairs, Indian polity and current affairs besides basic knowledge in general studies, Indian economy, aptitude as well as the mental faculties to deal with trials in criminal matters.

7. Moreover, proper procedure had been followed in effecting the amendment. While a uniform scheme had been prescribed in respect of all posts in combined technical services examination, whether interview posts or non-interview posts, the revised methodology provided for a more balanced assessment of the candidate for APP, both in regard to general studies as well as the law. Hence, there is no flaw in the pattern of the paper or the Notification issued.

8. The Writ Court found merit in the defence of the Commission and dismissed the Writ Petition by order dated 19.11.2024, assailed



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before us. The Writ Court has gone into the role of the Public Prosecutor finding that knowledge of the law as well as general knowledge were pre-requisites for the post of APP.

9. We had, in the hearing before us, sought from Mr.Bharanidharan, learned counsel appearing for the Commission, a copy of the Minutes of the Full Commission to understand the exact proposal put forth and the reasons therefor. A copy of the synopsis for decision and the Minutes of the Full Commission dated 01.08.2024 have been produced before us and have been taken note of under this order.

10. We have heard both parties and have devoted our consideration to the rival contentions put forth, and our decision is as under.

11. The subject Notification relates to selection for 51 vacancies for the post of APP Grade II.

12. It is true that the pattern of the preliminary examination for the present year, 2024-25 has been modified, effective from this year. Till the year 2023-24, that the selection was based on a qualifying paper with the following pattern:

<i>Subject</i>	<i>No. of Questions</i>	<i>Marks</i>
<i>Law – I</i>	<i>20</i>	<i>20</i>
<i>Law – II</i>	<i>20</i>	<i>20</i>



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<i>Law – III</i>	<i>20</i>	<i>20</i>
<i>Law – IV</i>	<i>20</i>	<i>20</i>
<i>Aptitude and Mental Ability</i>	<i>20</i>	<i>20</i>
	<i>100</i>	<i>100</i>

13. The total number of questions was 100 and the marks awarded for 20 questions in 4 papers on the subject of law, was 80, carrying one mark each. The paper on aptitude and mental ability contained another 20 questions of one mark each, in all amounting to 100 marks. While so, the Commission was advised that the methodology of conduct of examinations called for modification, as there were no questions relating to general studies in the paper for the preliminary examination for the post of APP Grade II.

14. Hence, a proposal had been put up before the Full Commission of the TNPSC seeking modification of the structure of the paper. The change was that the candidate will now be tested for 300 marks, split into three components (i) 112.5 marks for general studies (75 questions) (ii) 37.5 marks for aptitude and mental ability (25 questions) (iii) 150 marks for of law (100 questions).

15. The suggestion/proposal was accepted by the Full Commission and accordingly the Notification preliminary examination conducted on



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14.09.2024 was under the revised mode. The Writ Petitioner is aggrieved by the amendment as he believes that there was no necessity to amend the earlier mode of examination in any way.

16. At the outset, we may note that the Writ Petitioner has, in fact, participated in the preliminary examination conducted on 14.09.2024. Since the Writ Petitioner has participated in the examination without reservation, the question of him challenging the Notification would not normally arise.

17. There are a slew of decisions on the propriety, or rather, the lack thereof, of a candidate challenging the selection process after having participated in the same. While those cases would be applicable in full measure to the facts and circumstances of the present case, that has not been the defence of the respondent before the Writ Court and neither has Mr.Bharanidharan pursued that point before us, preferring to proceed on the merits of the amendment effected.

18. Thus, while finding that the petitioner ought not to have challenged the selection process having acquiesced to the procedure and pattern as set out in the Notification, we too would proceed to consider the merits of the defence raised.



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19. The main argument of the writ petitioner has been that the change in method of testing is uncalled for as the focus has been shifted from the subject of law to general studies. This is, in fact, factually incorrect, as the number of questions on the subject of law have been increased from 80 in the pre-amended paper, to 100 in the Notification under challenge. To this end, the submission of the writ petitioner is erroneous. The focus remains on the subject of law and, if at all, the testing in regard to legal aspects has become more rigorous and stringent.

20. The second argument is that there is no necessity to include general studies as the subject Notification required the candidate to possess minimum experience 5 years of practice in the Bar as a pre-requisite for applying. The writ petitioner has drawn a comparison with the pre-requisite for testing for other Group II examinations (of other Departments) arguing that in those cases there was no requirement of prior legal practice and hence the need for testing on the aspect of general studies may arise. However, for a lawyer with prior practice, such practice would, and should suffice, and there was no need to test him for general studies or knowledge.



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21. We disagree. The role of an Assistant Public Prosecutor involves many dimensions calling for knowledge and exposure on various fronts, apart from legal knowledge alone. It is hence vital for a candidate to be well informed, generally, and up-to-date with respect to current events doth domestic and international.

22. The vision of a State Prosecutor who is merely sound in the law without sufficient exposure to current events and developments world-wide, would be myopic and un-dimensional. We hence opine categorically that a State prosecutor must be well up, not just in the law, but in general studies and knowledge as well.

23. The respondents had been of the opinion that the proportion of marks awarded in the preliminary examination for the legal services department was not balanced, in that, there was no provision for testing the quotient of general knowledge, of a candidate.

24. The proposal for amendment placed before the Full Commission is as follows:

<i>Subject</i>	<i>Standard</i>	<i>No. of Questions</i>	<i>Maximum Marks</i>
<i>(i) General Studies</i>	<i>Degree</i>	<i>75</i>	<i>300</i>



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(ii) <i>Aptitude and Mental Test</i>	<i>SSLC</i>	<i>25</i>	
(iii) <i>Law</i>	<i>Degree</i>	<i>100</i>	
<i>Total</i>		<i>200</i>	

25. Thus, the preliminary paper now carries a total of 200 questions with a total mark of 300. 100 out of 200 questions relate to the subject of law and are marked on 1.5 marks per question, leading to a total of 150 marks. 75 questions carrying 1.5 marks each are awarded for general studies and 25 questions carrying 1.5 marks each, are awarded for aptitude and mental ability, leading to a total of 150 marks. The question paper will thus carry a total of 300 marks.

26. The proposal put up by the Commission specifically refers to the non-inclusion of a general studies paper in the preliminary examination for the post of APP Grade II. The logic behind the proposal for change and the proposal itself is extracted below:

2. In this regard, the following are submitted for kind consideration:

- In all examinations conducted for civil and technical post by the TNPSC, the General Studies paper is an essential component to test candidates' general knowledge and their understanding of current events. However, in the examination for the post of Assistant Public Prosecutor, Grade II, the General Studies paper is not included in the scheme.*



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- *In all examinations conducted by the TNPSC, there are no minimum qualifying marks prescribed for the interview, except for the post of Civil Judge. The eligibility of a candidate for selection to the post can be denied at the interview stage, even after scoring good marks in the preliminary and main examinations, if minimum qualifying marks are prescribed.*
- *In all examinations for recruitment of candidates for the General Service, the TNPSC has set the minimum qualifying marks for Others at 40% and for BCs, BCMs, MBCs/DCs, SCs, SCAs and STs at 30% of the maximum marks, as per G.O. Ms.No.603, Personnel and Administrative Reforms Department, dated 12.06.1985. However, in the examination for the post of Assistant Public Prosecutor, Grade II, the minimum qualifying marks are set at 30% for SCs, SCAs and STs, 35% for BCs, BCMs and MBCs/DCs, and 40% for Others, which contradicts the Government Order.*

3. In view of the above, the following are submitted for kind orders:

- *The General Studies paper may be included in the Preliminary examination to test the general knowledge and related developments in current events, similar to the Combined Civil Services (Group I, IA, IB and IC) and Combined Technical Services examinations.*
- *The minimum qualifying marks prescribed for the Interview may be removed, as practiced in the Combined Civil Services (Group I, IA, IB and IC) and Combined Technical Services (Interview Posts) examinations.*
- *The minimum qualifying marks for the Preliminary examination and Main examination may be followed as prescribed in the G.O. Ms. No.603, Personnel and Administrative Reforms Department, dated*



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12.06.1985. The following scheme of examination for the Preliminary and Main examinations is proposed:

Preliminary Examination:

Subject	Standard	No. of Questions	Duration	Maximum Marks	Minimum Qualifying Marks	
					MBCs/DCS BCMs, BCs, SCs, SCAs and STs	Others
<i>A.General Studies</i>	<i>Degree</i>	<i>75</i>	<i>3 hours</i>	<i>300</i>	<i>90</i>	<i>120</i>
<i>B.Aptitude and Mental Ability</i>	<i>SSLC</i>	<i>25</i>				
<i>C. Law</i>	<i>Degree</i>	<i>100</i>				
<i>Total</i>		<i>200</i>				

Main Examination and Interview:

Paper	Subject	Standard	Duration	Maximum Marks	Minimum Qualifying Marks	
					MBCs/ DCS, BCMs, BCs, SCs, SCAs and STs	Others
Paper I	Tamil Eligibility Test	SSLC	3 hours	100	40	40
Paper II	Law I	Degree	3 hours	100	120	160
Paper III	Law II		3 hours	100		
Paper IV	Law III		3 hours	100		
Paper V	Law IV		3 hours	100		
Interview				60	-	



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The above subject is placed before the Hon'ble Full Commission for discussion.

27. The proposal dated 01.08.2024 was taken up for decision on 06.08.2024 by the Full Commission comprising the Chairman and 8 Members and has been accepted as proposed. Though learned counsel for the Writ Petitioner who has been supplied a copy of the Minutes would point out that there is no detailed examination of the amendment by the Full Commission, we do not see any necessity for the Commission to chronicle the discussions themselves minutely. The Minutes reveal application of mind to the process followed and the fact that the Commission has discussed the subject finds place in the Minutes, in as many words. To our mind, this would suffice.

28. When compared with the pattern for the previous years, we believe that the present (amended) pattern is a more balanced approach to assess the skill of a prospective APP Grade II.

29. The emphasis on law has been enhanced. As against 80 questions for one mark each in the pre-amended pattern, the candidate will now face 100 questions on law carrying 1.5 marks each.



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30. The marks for the test for mental aptitude has increased marginally, from 20 to 25 questions of 1.5 marks each. So far the two components, relating to Law and Aptitude and mental ability, have only been streamlined and made marginally more stringent. In addition, there are 75 questions of 1.5 marks each relating to general studies. In our considered view, this is an inclusion that is long-overdue and hence calls for no intervention whatsoever.

31. We thus find no ground to intervene and dismiss this Writ Appeal. No costs.

[A.S.M., J] [G.A.M., J]
11.12.2024

Index:Yes
Speaking Order
Neutral Citation:Yes
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To

The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Chennai – 600 003.

DR. ANITA SUMANTH.,J.
and
G. ARUL MURUGAN.,J.



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